S.B.Civil writ Petition No.7172/2007
Smt. Shanti Devi
vs
The ADJ (Fast Track) no.4, Jodhpur & Ors.

Date of order : 15.11.2007.

HON'BLE MR. PRAKASH TATIA, J.

Mr.CS Rajpurohit, for the petitioners.
Mr.Kishan Prajapat, for the respondents.

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Heard learned counsel for the parties.

By impugned order dated 18th Oct., 2007 the trial court permitted the plaintiff to produce the will in evidence and according to learned counsel for the non-petitioners, the non-petitioner want to confront the witnesses of the petitioner over the document in question.

Learned counsel for the petitioner submitted that the document should have been produced by the plaintiff in his evidence but he failed to produce the document at this stage and, therefore, he should not have been permitted to produce the document at the stage of defendants' evidence.

I considered the submissions of learned counsel for the parties and perused the facts of the case. Since the document in question is a Will and it is said that Will is witnessed by the petitioner himself and the non-petitioner-plaintiff want to confront the

witnesses of the defendant over the document in question, therefore, I do not find that that court below has committed any illegality in allowing the plaintiff to produce the document in evidence for the purpose of confrontation.

In view of the above reasons I find no merit in this writ petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-